

Bylaw No. 1035-2019

OFF-SITE LEVY BYLAW

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A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR OFF-SITE LEVIES

WHEREAS, pursuant to section 648(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 a council may by bylaw provide for the imposition and payment of a levy, to be known as an "off-site levy", in respect of land that is to be developed or subdivided and authorize an agreement to be entered into in respect of the payment of the levy;

AND WHEREAS, pursuant to section 648(2) of the *Municipal Government Act*, an off-site levy may be used only to pay for all or part of the capital costs of: new or expanded facilities for the storage, transmission, treatment or supplying of water; new or expanded facilities for the treatment, movement or disposal of sanitary sewage; new or expanded storm sewer drainage facilities; new or expanded roads required for or impacted by a subdivision development; and any land required for those projects;

AND WHEREAS, pursuant to section 649 of the *Municipal Government Act*, a bylaw that authorizes an off-site levy must set out the object of each levy and indicate how the amount was determined;

AND WHEREAS, pursuant to section 231(1) of the *Municipal Government Act*, a bylaw authorized under Part 17 of the *Municipal Government Act* is not subject to petition;

THEREFORE, the Council of the City of Leduc in the Province of Alberta duly assembled, hereby enacts as follows:

PART I: BYLAW TITLE

1. This bylaw shall be known as the "Off-Site Levy" Bylaw.

PART II: PURPOSE, DEFINITIONS, AND INTERPRETATION

PURPOSE

2. The purpose of this bylaw is to provide for the imposition of an off-site levy in respect of land that is to be developed or subdivided.

DEFINITIONS

3. In this bylaw, unless the context otherwise requires:
 - a. "City" means the municipal corporation of the City of Leduc;

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- b. **"City Manager"** means the chief administrative officer of the City;
- c. **"Council"** means the municipal council of the City;
- d. **"Developable Land"** means all land, but does not include:
 - i. municipal reserve, as defined in Part 17 of the *Municipal Government Act*, R.S.A. 2000, c. M-26,
 - ii. environmental reserve, as defined in Part 17 of the *Municipal Government Act*;
 - iii. land required for the widening of major collector roads along a ¼ section boundary or any arterial roadways; and
 - iv. land required for stormwater management facilities excluding appurtenances;
- e. **"Development Agreement"** means an agreement as contemplated in the Municipal Government Act sections 648(1)b and 655(1)b between the City and the Owner of the land being developed or subdivided as it relates to the construction of municipal improvements, and authorized in respect of payment of an Off-Site Levy; and
- f. **"Development Permit"** means a document that is issued under the City of Leduc Land Use Bylaw and authorizes a Development, as defined in the Municipal Government Act, as amended.
- g. **"Off-Site Levy"** means a levy for capital projects payable to the City upon development or subdivision of Developable Land.
- h. **"Reports"** mean the following:
 - i. The Offsite Levy Model prepared by Corvus Business Advisors and updated annually by the City;
 - ii. City of Leduc Offsite Levy Update, dated July 24, 2019;
 - iii. City of Leduc Transportation Master Plan (October 2018);
 - iv. City of Leduc Sanitary Sewer Master Plan (October 2019);
 - v. City of Leduc Water Master Plan (December 2014);and
 - vi. City of Leduc Benefit Analysis (March 2015)

RULES FOR INTERPRETATION

- 4. The marginal notes and heading in this bylaw are for reference purposes only.

PART III: OFF-SITE LEVY

OBJECTS, PRINCIPLES AND CRITERIA

- 5. The objects, principles and criteria of the Off-Site Levy shall be in accordance with the following:
 - a. This bylaw creates an Off-Site Levy to provide funds for the construction of capital projects set out in Schedule "C" required for growth.

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- b. Development in new growth areas through the Off-Site Levies will provide the capital that will fund the infrastructure required for growth. Those who benefit from the infrastructure, which is defined by all Developable Lands in the development areas set out in Schedule "A", should share proportionally, on a per hectare basis, in related costs.
- c. Provision of off-site infrastructure projects by developers of Developable Land will not create an advantage or penalty due to the time or location of development.
- d. Off-site infrastructure projects will be provided to maintain sustainable, cost effective and orderly growth.
- e. The calculation of the Off-Site Levy should be an open and transparent process.
- f. All funds collected from the Off-Site Levy will be credited to a separate and distinct, identifiable Off-Site Levy account, which may be invested as per the City's Investment Policy until used for the construction of the specified off-site infrastructure. The management of the Off-Site Levy account should be an audited process, with reports available to the public and the industry.
- g. The Off-Site Levy will help allow the City to recover the cost of infrastructure required for growth:
 - i. Using financing strategies that remain sustainable;
 - ii. Facilitating development by reducing risk on early developers and ensuring future developers share the costs of the facilities from which they benefit; and
 - iii. Promoting cost effective and orderly development.
- h. The Off-Site Levy will help promote orderly development by:
 - i. Supporting City planning through growth strategies, master servicing plans and area structure plans
 - ii. Providing off-site infrastructure, once the appropriate planning is in place, and when warranted in development; and
 - iii. Providing infrastructure for contiguous development.
- i. The Off-Site Levy will help create a transparent process by:
 - i. Providing opportunity for industry input into the levy, its definition and administration;
 - ii. Conforming with the Municipal Government Act, R.S.A. 200, c. M-26, as amended or repealed and replaced from time to time; and
 - iii. Providing reports on the Off-Site Levy.
- j. The Off-Site Levy will help create a clear process for calculation of the rate, levies and credits by:

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- i. Creating consistent and predictable levies and credits;
- ii. Creating predictable and stable levies over time; and
- iii. Documenting a process for establishing the levy rate.

OFF-SITE LEVY ESTABLISHMENT

- 6.
 - a. An Off-Site Levy must be paid for all Developable Land developed in accordance with a development permit or subdivided in the development areas set out in Schedule "A".
 - b. For greater certainty levies are established to pay for the items identified in the Municipal Government Act sections 648(2)(a), 648(2)(b), 648(2)(c), 648(2)(c.1), and 648(2)(d)
 - c. When one component of the Offsite Levy becomes due, all components are due. The Offsite Levy is a single indivisible levy. No component levy can be deferred or waived separately from the other components. No legally defined parcel of land will be assessed levies on only a portion of its area.

CALCULATION

- 7. The Off-Site Levy shall be calculated per hectare of Developable Land on the total rates established in Schedule "B" for each development area described in Schedule "A" at the time such land receives subdivision approval or on the date of approval of a development permit, at the sole and unfettered discretion of the City of Leduc

OBJECT

- 8. The Off-Site Levies are payable for the capital projects set out in Schedule "C" and pursuant to the calculation details contained in the Reports.

PART IV: DEVELOPMENT AGREEMENTS

DEVELOPMENT AGREEMENTS

- 9.
 - (1) Development Agreements shall be executed by the applicant for the development or subdivision of land if the City Manager determines that a Development Agreement is required.
 - (2) The City Manager shall determine if a Development Agreement is required in accordance with all relevant policies and guidelines adopted by Council.

CONTENT

- 10. All Development Agreements:

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- a. shall require the payment of the Off-Site Levy calculated in accordance with Part III;
- b. may defer the payment of any Off-Site Levy;
- c. shall ensure that an Off-Site Levy is only collected once in respect of land that is the subject of a development or a subdivision; and
- d. shall comply with all relevant policies and guidelines adopted by Council.

PART V: GENERAL

ACCOUNTING

11. All funds collected pursuant to this bylaw shall be accounted for in a special fund and expended only as permitted under the provisions of the Municipal Government Act, R.S.A. 2000, c. M-26, as amended.

GENERAL

12. Nothing in this bylaw precludes the City from:
- a. imposing further or different levies, duly enacted by bylaw, on any portion of the Developable Land in respect of which the City has not collected levies;
 - b. deferring collection of the Off-Site Levy for the stated objects of this bylaw, on any portion of Developable Land in respect of which the City collected levies, including requiring security for payment of such deferred levies; or
 - c. reducing or forgiving payment of the levies required pursuant to this bylaw, or otherwise providing for credits or offsets for other projects or oversize infrastructure constructed by a developer in calculating and/or collecting the levies that become payable pursuant to this bylaw.

TRANSITION

13. Any Development Agreements approved under previous bylaws of the City shall continue as though the bylaw under which they were enacted was never repealed.

SEVERABILITY

14. If any portion of this bylaw is declared or held to be invalid for any reason the remaining provisions of the bylaw shall continue to be in full force and effect.

REPEALS

15. Bylaw 999-2018, the *Off-Site Levy Bylaw*, is repealed.

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PART VI: ENACTMENT

This Bylaw shall come into force and effect when it receives Third Reading and is duly signed.

READ A FIRST TIME IN COUNCIL THIS ____ DAY OF _____, AD 2019.

READ A SECOND TIME IN COUNCIL THIS ____ DAY OF _____, AD 2019.

READ A THIRD TIME IN COUNCIL AND FINALLY PASSED THIS ____ DAY OF _____, AD 2019.

Bob Young
MAYOR

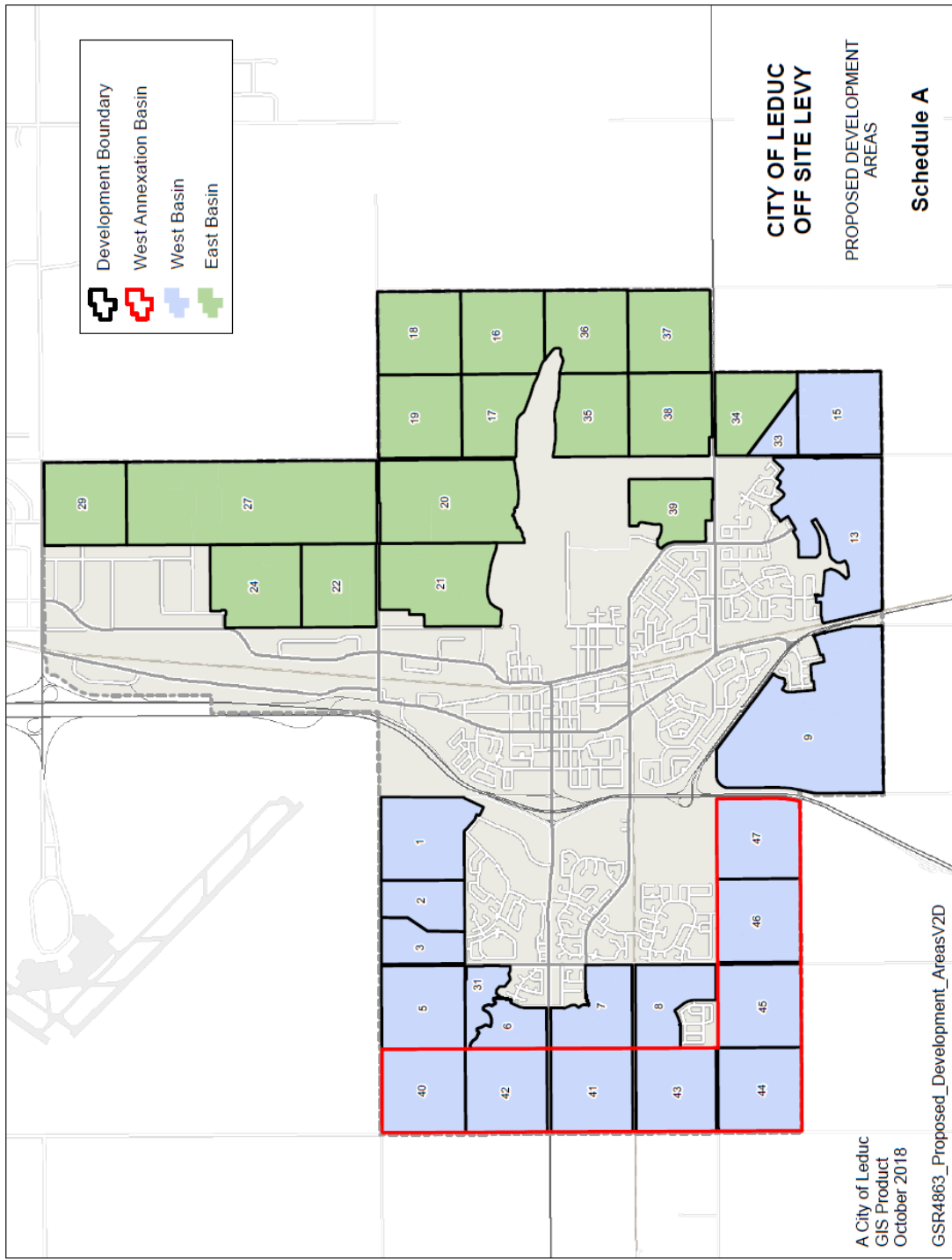
Sandra Davis
CITY CLERK

Date Signed

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Schedule A



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Schedule B

** Off – Site Levy is charged on a per hectare basis

Area #	Transportation Levies	Water Levies	Sanitary Levies	Total
1.0	\$ 120,534.42	\$19,416.51	\$ -	\$139,950.93
2.0	\$ 120,534.42	\$19,416.51	\$ -	\$139,950.93
3.0	\$ 120,534.42	\$19,416.51	\$15,517.80	\$155,468.73
5.0	\$ 120,534.42	\$19,416.51	\$15,517.80	\$155,468.73
6.0	\$ 120,534.42	\$19,416.51	\$ -	\$139,950.93
7.0	\$ 120,534.42	\$19,416.51	\$ -	\$139,950.93
8.0	\$ 120,534.42	\$19,416.51	\$ -	\$139,950.93
9.0	\$ 120,534.42	\$19,416.51	\$ 1,859.26	\$141,810.19
13.0	\$ 120,534.42	\$19,416.51	\$ 6,904.43	\$146,855.36
15.0	\$ 120,534.42	\$19,416.51	\$ 6,904.43	\$146,855.36
16.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
17.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
18.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
19.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
20.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
21.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
22.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
24.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
27.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
29.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
31.0	\$ 120,534.42	\$19,416.51	\$15,517.80	\$155,468.73
33.0	\$ 120,534.42	\$19,416.51	\$ 6,904.43	\$146,855.36
34.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
35.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
36.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
37.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
38.0	\$ 69,509.55	\$19,416.51	\$22,255.80	\$111,181.86
39.0	\$ 69,509.55	\$19,416.51	\$ -	\$ 88,926.06
40.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
41.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
42.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
43.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
44.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
45.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
46.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00
47.0	\$ 123,147.38	\$19,416.51	\$54,742.11	\$197,306.00

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Schedule C

** Infrastructure projects to which the off-site levy charges collected under this bylaw are to be applied

Transportation Infrastructure Projects – Schedule “C-1”

Reference	Project Name	Nature of Capital Work
8	Highway 2A - Realignment	Improve Road Network Capacity
9	Highway 2A - Traffic Signal	Intersection Improvements
10	74th Street (50th Ave to 65th Ave West)	Improve Road Network Capacity
12	74th Street (50th Avenue to SW Boundary)	Improve Road Network Capacity
13	Southwest Boundary Road (74th St to Grant MacEwan)	Improve Road Network Capacity
14	Traffic Signal - 50 Avenue / Grant MacEwan Boulevard	Intersection Improvements
16	Southwest Boundary Road (Grant MacEwan to Blackstone Entrance)	Improve Road Network Capacity
17	65th Avenue West (74th Street to Grant MacEwan) - 2L	Improve Road Network Capacity
18	50th Avenue (74th Street to Fire Hall)	Improve Road Network Capacity
19	50th Avenue (Deer Valley Drive to Fire Hall)	Improve Road Network Capacity
20	Grant MacEwan South (Black Gold Dr to Spruce) - 2L-4L	Improve Road Network Capacity
21	Rollyview Road/50 St Intersection - Traffic Signal	Intersection Improvements
22	Grant MacEwan South (38 Ave to SW Boundary) - 2L	Improve Road Network Capacity
23	65th Avenue West (Grant MacEwan to Discovery Way) - 2L	Improve Road Network Capacity
25	Traffic Signal - 74th Street and 50th Avenue	Intersection Improvements
26	65th Avenue East (East of CP Rail Corridor to 45th Street) -4L - 6L	Improve Road Network Capacity
27	65th Avenue East (35th Street to Spine Road) - 2L	Improve Road Network Capacity
28	Black Gold Drive (South Park Drive to Rollyview Road) Project	Improve Road Network Capacity
31	Spine Road (Airport Road to 65th Ave East) 2L to 4L	Improve Road Network Capacity
32	46 St (50 Ave to Black Gold Drive)	Improve Road Network Capacity
33	Highway 39 (Highway #2 East Ramp to Grant MacEwan)	Improve Road Network Capacity
35	65th Avenue West (Grant MacEwan to Discovery Way) - 2L - 4L	Improve Road Network Capacity
36	65th Avenue East (45th Street to Spine Road) - 2L to 4L	Improve Road Network Capacity
37	Traffic Signal - Black Gold Drive / 50 th Street	Intersection Improvements
38	Black Gold Drive (Grant MacEwan Blvd to 50 St)	Improve Road Network Capacity
39	Traffic Signal - 65 Avenue/ 50 Street	Intersection Improvements
40	43 Street from Airport Road to South of Airport Road	Improve Road Network Capacity
41	Traffic Signal - Airport Road / 43 Street	Intersection Improvements
42	Airport Road (Sparrow Drive to RR 250)	Improve Road Network Capacity

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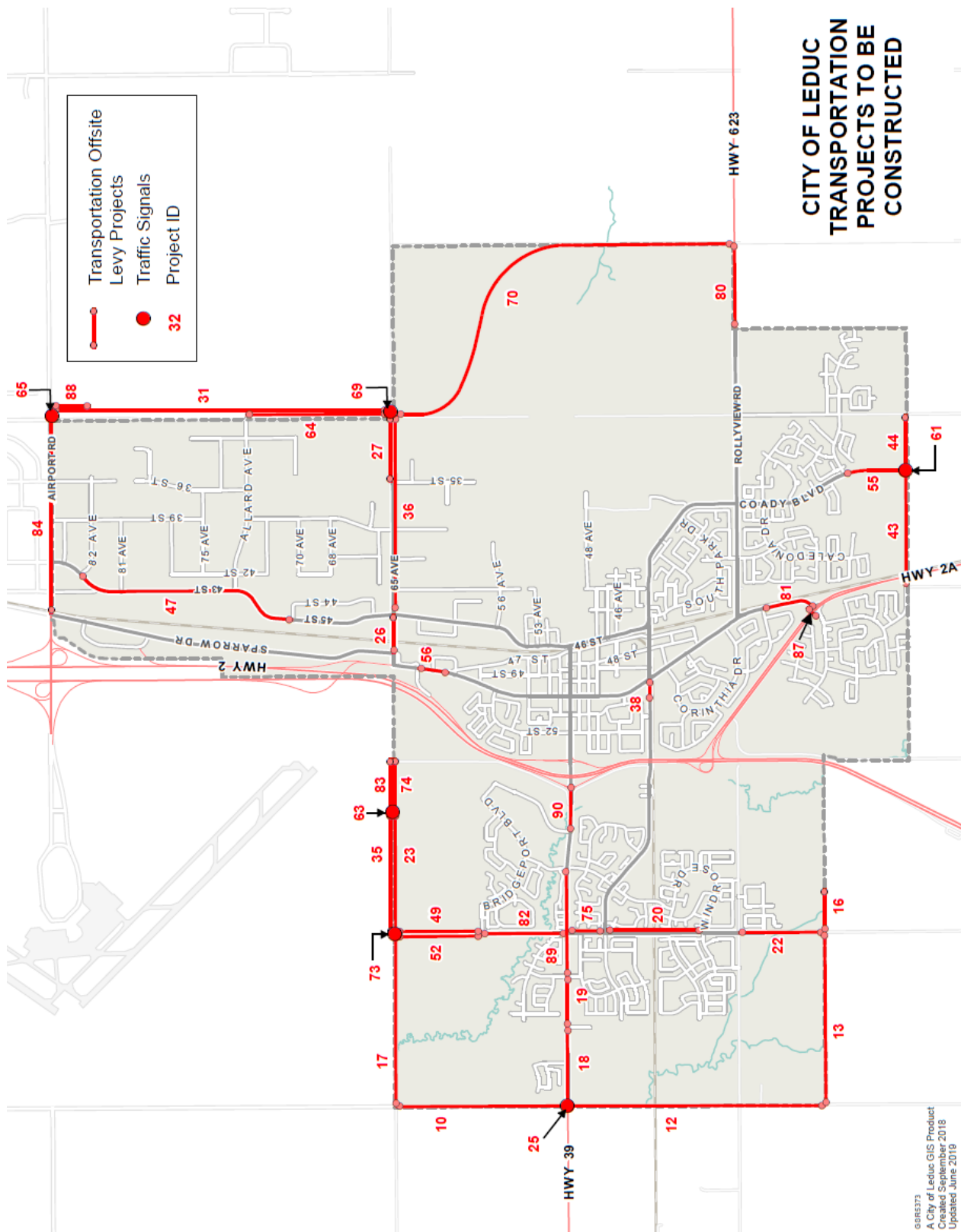
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43	Southeast Boundary Road (Hwy 2A to Coady Blvd.)	Improve Road Network Capacity
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Reference	Project Name	Nature of Capital Work
44	Southeast Boundary Road (Coady Blvd to CW Gaetz)	Improve Road Network Capacity
47	45th/43rd Street (175m North of 70th Ave to 82nd ave)	Improve Road Network Capacity
49	Grant MacEwan North (65th Ave West to Bridgeport Gate) 2L - 4L	Improve Road Network Capacity
50	Grant MacEwan Blvd (Ameena Dr. to 1/4 Section Line North)	Improve Road Network Capacity
51	Grant MacEwan Boulevard from 38 Ave to 50th Ave.	Improve Road Network Capacity
52	Grant MacEwan North (65th Ave West to Bridgeport Gate) 2L	Improve Road Network Capacity
54	Coady Boulevard- to McDowwll Wynd	Improve Road Network Capacity
55	Coady Boulevard (Meadowview Blvd to SE Boundary Road)	Improve Road Network Capacity
56	50 Street (64 Ave to 61 Ave)	Improve Road Network Capacity
59	50 Ave from Alton to Interchange	Improve Road Network Capacity
61	Traffic Signal - Coady Blvd and SE Boundary Road	Intersection Improvements
63	Traffic Signal - 65th Avenue W and Discovery Way	Intersection Improvements
64	Spine Road (Allard Avenue to 65th Avenue East) - 2L	Improve Road Network Capacity
65	Traffic Signal - Spine Road and Airport Road	Intersection Improvements
69	Traffic Signal - 65 Ave/ Spine Road	Intersection Improvements
70	Spine Road - 65th Avenue East to Rollyview Road	Improve Road Network Capacity
71	Black Gold Dr/Grant Mac Ewan - Traffic Signal	Intersection Improvements
73	Traffic Signal - Grant MacEwan/ 65 Ave	Intersection Improvements
74	65th Avenue West (Discovery Way to QE II) - 2L	Improve Road Network Capacity
75	Grant MacEwan South (50th Ave to Black Gold Drive) 2L-4L	Improve Road Network Capacity
76	Airport Road Improvements from Sparrow Drive to 42 Street	Improve Road Network Capacity
80	Rollyview Road (C.W Gaetz to 800m W of Spine Road)	Improve Road Network Capacity
81	50th Street (Bella Coola to Hwy 2A)	Improve Road Network Capacity
82	Grant MacEwan North (Bridgeport Gate to 50th Ave) 2L- 4L	Improve Road Network Capacity
83	65th Avenue West (Discovery Way to QE II) - 2L - 6L	Improve Road Network Capacity
84	Airport Road (Sparrow Drive to Spine Road)	Improve Road Network Capacity
87	50th Street (Storage+Taper)	Improve Road Network Capacity
88	Spine Road (Airport Road to 82 Ave) 4L - 6L	Improve Road Network Capacity
89	50th Avenue (Bridgeport Crossing to Deer Valley Dr./West Haven Blvd)	Improve Road Network Capacity
90	50th Avenue (From QE II West Ramp Terminal to Discovery Way)	Improve Road Network Capacity

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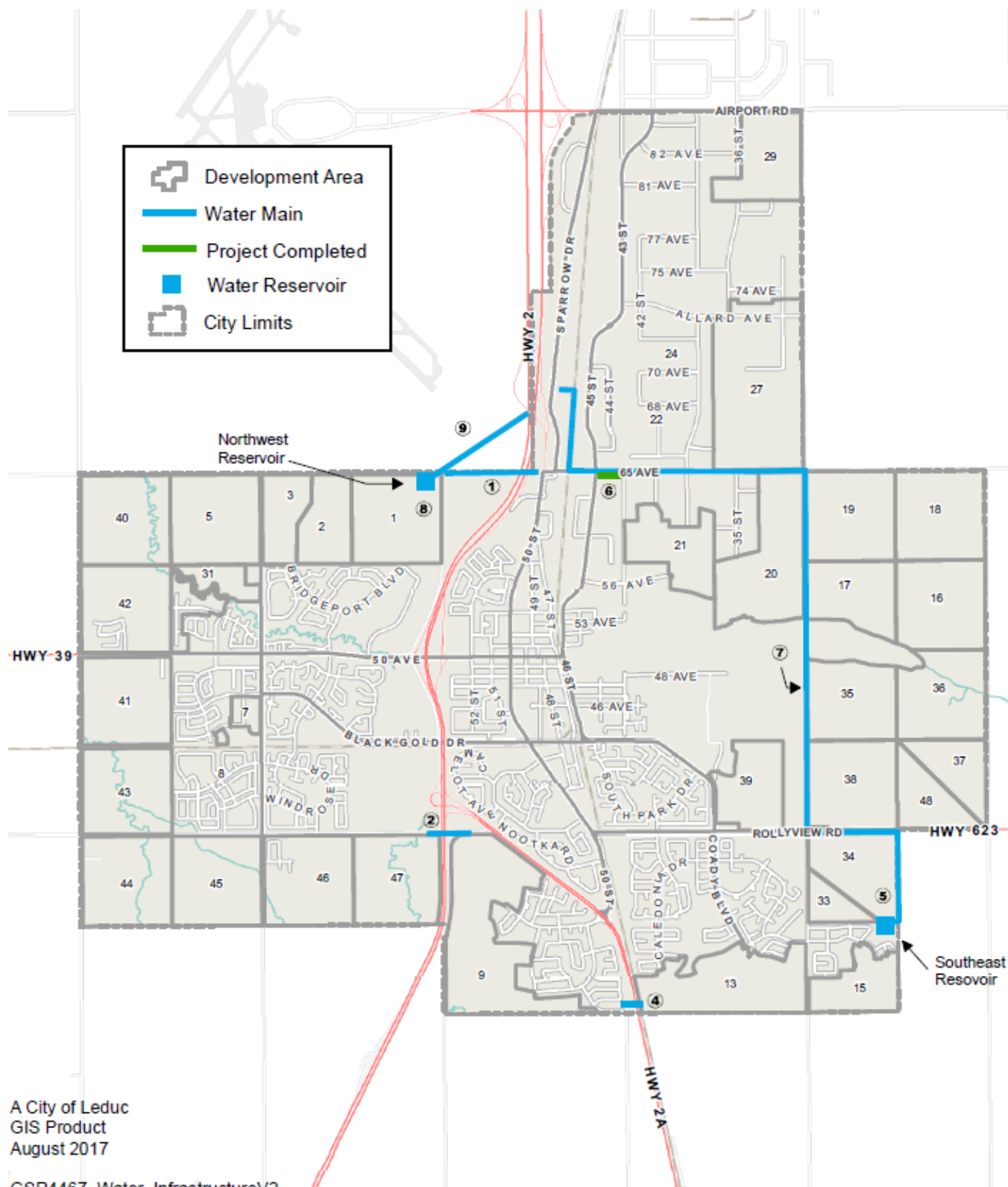
Water Infrastructure Projects – Schedule “C-2”

1	Water Main - 65 Ave (Hwy 2 to West Bridgeport)	Improve Network Distribution
2	Water Main - Twp. 494 (Southfork to Windrose)	Improve Network Distribution
4	Water Main HWY 2A Crossing (South Fork to Tribute)	Improve Network Distribution
5	Robinson Water Reservoir	Improve Network Distribution
6	Water Main – 65 Avenue	Improve Network Distribution
7	Robinson Transmission Main - Oversizing	Improve Network Distribution
8	NW Water Reservoir	Improve Network Distribution
9	NW Water Transmission Main	Improve Network Distribution

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Water Infrastructure
Projects
Schedule "C-2"



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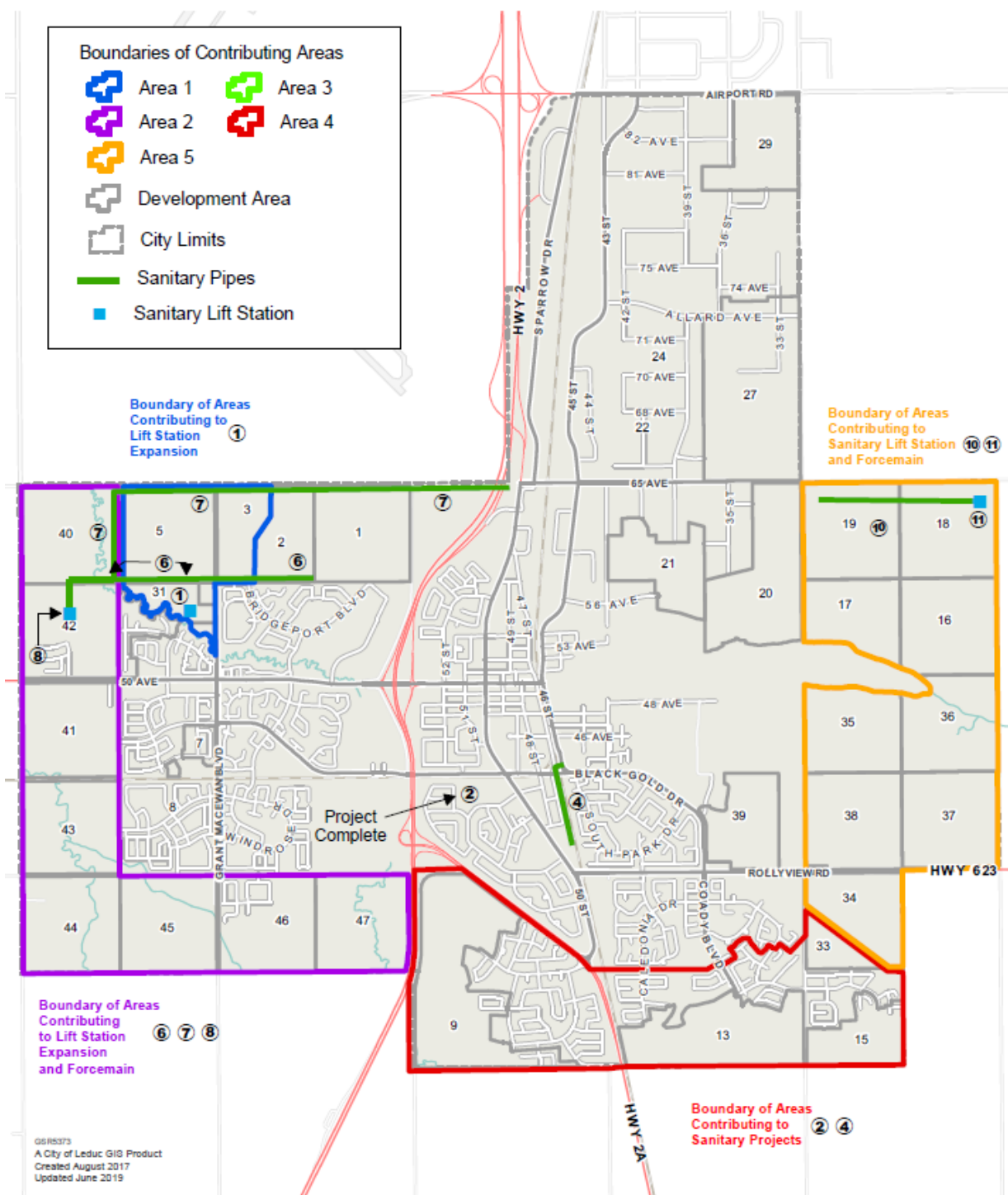
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Sanitary Infrastructure Projects – Schedule “C-3”

1	West Sanitary Lift Station Upgrade	Improve System Capacity
2	Corinthia Park North End Sewer Storage	Improve System Capacity
4	Corinthia Outlet	Improve System Capacity
5	Woodbend Lift Station and Force Main	Improve System Capacity
7	Woodbend Force Main - Stage 2	Improve System Capacity
8	Woodbend Lift Station Upgrades – Stage 2	Improve System Capacity
10	Eastside Sanitary Lift Station and Force Main	Improve System Capacity
11	Eastside Sanitary Lift Station – Stage 2	Improve System Capacity

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Schedule "C-3"



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